

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

10 PATRICK V.,

11 Plaintiff,

12 vs.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

Civil No. 2:19-CV-00776-MAT

ORDER

15 IT IS HEREBY ORDERED THAT upon consideration of Defendant's Stipulated Motion
16 for Remand, the Court hereby REVERSES the Commissioner's decision in this matter and
17 REMANDS the cause to the Commissioner for further administrative proceedings, a de novo
18 hearing, and a new decision. *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

19 Upon remand, the ALJ will consider and issue findings regarding whether recovery of the
20 overpayment may be waived pursuant to 20 CFR 404.506 and 404.512. The ALJ will consider
21 and issue findings regarding whether the claimant was "at fault" or "without fault" in causing
22 and/or accepting the overpayment pursuant to 20 CFR 404.510 and 404.511; and if it is
23 determined that the claimant was without fault in causing the overpayment, the ALJ will
24 consider findings regarding whether recovery of the overpayment would defeat the purpose of

1 Title II of the Social Security Act or be against equity or good conscience, pursuant to
2 Acquiescence Ruling 92-5(9), 20 CFR 404.508 and 404.509. The Commissioner will also redact
3 certain personally identifiable information from family members in the record.

4 This case is being remanded pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk
5 is directed to enter judgment in accordance with Fed. R. Civ. P. 58. The briefing schedule in this
6 matter is vacated.

7 DATED this 10th day of October, 2019.

8 

9 Mary Alice Theiler
10 United States Magistrate Judge

11
12 Presented by:

13 s/ Michael Howard
14 MICHAEL HOWARD
15 Special Assistant U.S. Attorney
16 Office of the General Counsel
17 Social Security Administration
18 701 Fifth Avenue, Suite 2900 M/S 221A
19 Seattle, WA 98104-7075
20 Telephone: (206) 615-3749
21 Fax: (206) 615-2531
22 michael.howard@ssa.gov
23
24